REMARKS

Claims 1-20 were originally filed in the present application.

Claims 1-20 were previously cancelled.

Claims 21-40 were previously added in the present application.

Claims 21-40 are pending in the present application.

Claims 21-40 were rejected in the May 15, 2005 Office Action.

Claim 29 was objected to in the May 15, 2005 Office Action.

No claims have been allowed.

Claim 29 is amended herein

Claims 21-40 remain in the present application.

Reconsideration of Claims 21-40 is respectfully requested.

In Section 1 of the May 15, 2005 Office Action, the Examiner objected to Claim 29 because of a typographical error. Claim 29 has been amended so that "coverage are" now reads "coverage area".

In Section 3 of the May 15, 2005 Office Action, the Examiner rejected Claims 21-36 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,069,885 to *Fong et al.* (hereafter, simply "*Fong*") in view of U.S. Patent No. 6,323,823 to *Wong et al.* (hereafter, simply "*Wong*"). Among other things, the Examiner asserted that the *Fong* reference purportedly discloses a base station having S sectors that receives data packets in a first data frame of a wireline connection (col. 2, lines 13-15, associates each of the received data packets with a corresponding one of the S sectors

(Figure 5), and concurrently transmits at least some of said associated data packets in said corresponding sectors during a first subframe of a first forward channel data frame (column 6, lines 51-65).

The Applicant respectfully disagrees with the Examiner's assertions regarding the subject matter disclosed in the *Fong* reference and directs the Examiner's attention to Claim 21, which contains the unique and non-obvious limitations emphasized below:

> 21. (Previously Presented) For use in a wireless network, a base station comprising an antenna array capable of transmitting forward channel data into S sectors associated with said base station, wherein said base station receives a plurality of data packets in a first data frame of a wireline connection, associates each of said received data packets with a corresponding one of said S sectors, and concurrently transmits at least some of said associated data packets in said corresponding sectors during a first subframe of a first forward channel data frame. (emphasis added)

The Applicant respectfully asserts that the above-emphasized limitations are not disclosed, suggested or even hinted at in either the *Fong* reference or the *Wong* reference, or in the combination of the *Fong* and *Wong* references.

As recited in Claim 21, the present invention receives incoming data packets in a first data frame of a wireline connection and associates each data packet with one of the S sectors. The antenna array of the present invention then transmits at least some of the data packets concurrently in the corresponding sectors during a first subframe of a first forward channel data frame.

By contrast, the *Fong* reference does not disclose that the base station 20 associates each of the data packets from the wireline connection with a corresponding one of the S sectors. The text of the *Fong* reference relied upon by the Examiner at column 2, lines 10-13 merely states:

> FIG. 1 is a diagram of a typical wireless communication system. A typical wireless communications system includes a plurality of communications sites, such as mobile telephone switching office (MTSO), base stations, terminal stations, or any other site equipped with a radio transmitter and/or receiver.
>
> FIG. 1 shows a base station 20 in communication with terminal stations 22. Base station 20 is usually connected to a fixed network, such as the PSTN or the Internet. Base station 20 could also be connected to other base stations, or connected to a MTSO in the case of mobile systems. Terminal stations 22 can be either fixed or mobile.

The Applicant respectfully asserts that the above-cited portion of the *Fong* reference does not discloses that each of the data packets received from the fixed network (i.e., PSTN or Internet) is associated with one of the sectors of the base station 20.

Furthermore, the *Fong* reference does not discloses that the base station 20 concurrently transmits the data packets in the corresponding sectors. As FIGURE 5 illustrates, the base station coverage area is divided into sectors labeled either "1" or "2". The base station 20 in the *Fong* reference is a conventional TDMA base station. During subframe 1, the base station 20 transmits data in all three of the sectors labeled "1" and, during subframe 2, the base station 20 transmits data in all three of the sectors labeled "2". Unlike the present invention, the base station 20 does not associate each data packet with a corresponding one of the sectors that communicates with a mobile station to which the each data packet is directed. Moreover, the *Wong* reference does nothing to overcome the shortcomings of the *Fong* reference.

In sum, Claim 21 contains unique and non-obvious limitation that are not disclosed, suggested or even hinted at in either the *Fong* reference or the *Wong* reference, or in the combination of the *Fong* and *Wong* references. This being the case, Claim 21 is patentable over the cited prior art

references. Dependent Claims 22-28 depend from Claim 21 and contain the same unique and novel limitations recited in Claim 21. Thus, Claims 22-28 are also patentable over the cited prior art.

Furthermore, independent Claim 29 contains limitations that are analogous to the unique and non-obvious limitation recited in Claim 21. This being the case, Claim 29 is patentable over the *Fong* and *Wong* references, either individually or in combination. Dependent Claims 30-36 depend from Claim 28 and contain the same unique and novel limitations recited in Claim 29. Thus, Claims 30-36 are also patentable over the cited prior art.

In Section 2 of the May 15, 2005 Office Action, the Examiner rejected Claims 37-40 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,069,885 to *Fong et al.* (hereafter, simply "*Fong*"). The Applicant respectfully submits that independent Claim 37 recites limitations that are analogous to the unique and non-obvious limitations recited in independent Claim 1. This being the case, Claim 37 is patentable over the *Fong* reference. Dependent Claims 38-40 depend from Claim 37 and contain the same unique and novel limitations recited in Claim 37. Thus, Claims 38-40 are also patentable over the cited prior art.

SUMMARY

For the reasons given above, the Applicant respectfully requests reconsideration and allowance of pending claims and that this Application be passed to issue. If any outstanding issues remain, or if the Examiner has any further suggestions for expediting allowance of this Application, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below or at ***jmockler@davismunck.com***.

The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Deposit Account No. 50-0208.

Respectfully submitted,

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